(SRI T. MARIAPPA.)

already an Act in force in Bellary. Repealing that and extending this Act is the main object. Unfortunately what has happened is, clauses 5,6,7,8, 10 and part of 12 have all been deleted by the Upper House. Sir, after the House of elders has gone through the provisions very carefully and all the material provisions have been deleted, I very earnestly request the Hon'ble Minister for Agriculture to consider what is the earthly use of this Bill. Is it merely to have the satisfaction of having added a new Act while the present Act will serve the purpose? It is much safer and much better that it is not taken up at all. After all, let it not be said that legislation was brought without substance.

MR. SPEAKER.—I was able to understand the point of the Hon'ble Member. If the Hon ble Minister does not want to move, it is a different thing. Otherwise, he is at liberty.

SRI K. PATTABHIRAMAN.—Sir, we are making definite suggestions with regard to two aspects of the matter. Here is a Bill which is introduced before us with a certain Statement of Objects and Reasons which deals with certain provisions which have no relation to the Bill placed before us. What were the considerations that prevailed in the other House to make these changes and how this child which was there and which has been sent down to this House maimed, are not strictly before us. The fact remains that the Statement of Objects and Reasons relates to a number of provisions which do not find a place in the body of the Bill as presented to us.

Secondly, as my Hon'ble Friend Sri T. Mariappa suggested, the Bill placed before us, except in making a small change from three to six months in clause 9 and extending the provisions to Bellary, does not contain any worthwhile provisions. Sir, I am not attempting to say anything derogatory to any Hon'ble Member in this House, least of all to the Hon'ble Minister in charge of the Bill, when I say that the time of this House is going to be spent on a certain piece of legislation which will not add anything to the Statute Book nor take away anything except making a small change *viz.*, three months to six months in a particular clause. Therefore, the main question that you will have to consider is whether the time of this House should be spent upon this legislation and whether the Hon'ble Agriculture Minister in charge of this particular Bill is serious in his suggestion that we should spend fifteen minutes or half-an-hour on this Bill which makes no substantial change whatever or, shall I say, no change whatever. These are the two aspects I want the Speaker as well as the Hon'ble Minister to consider and give us their valuable guidance.

SRI A. G. RAMACHANDRA RAO (Minister for Law and Education).—I see the points of view expressed by the Hon'ble Members, Sir. I feel that on the whole they are making out a case for the Bill to be withdrawn. Let me have some time to consider. This Bill may be taken up later.

MR. SPEAKER.—The House will now take up the Mysore Transfer of Prisoners Bill, 1954.

MYSORE TRANSFER OF PRISONERS BILL, 1954.

SRI A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move:

"That the Mysore Transfer of Prisoners Bill, 1954, as passed by the Legislative Council, be taken into consideration."

Sir, we have a Central Jail in Bangalore and a sub-jail in Mysore and a number of other lock-ups. In Bellary there is a central jail, there is a certified school for children and there is also a Borstal school for adolescents. In Bellary there is a provision for, accommodating 3,000 prisoners in the central jail and there is provision for giving training for a large number of youthful offenders. In Mysore the accommodation in the Central Jail is for about 1,400 and for about 450 in the sub-jail at Mysore. So far back as 1943 two Acts have been passed, the Borstal

Act and the Children Act in Mysore. They have not been implemented yet for want of a certified school and Borstal schools. Thus it will be seen, Sir, while there is provision in Bellary for dealing with these youthful offenders, we have got an Act here without corresponding provision to implement the Act. One other difficulty was also felt. The jails in Bellary are governed by Madras Acts and the jails in Mysore are governed by Mysore Acts. We are advised that even transfer of prisoners cannot be effected without a formal legislation and legislative sanction as is proposed at present. In order to make use of all the resources available in Bellary in its fullness, this Bill has been brought forward to enable Government to transfer prisoners from the Mysore State without Bellary to the Mysore State with Bellary.

This is a simple measure and I commend this measure for the acceptance of the House.

Mr. SPEAKER.—Motion moved:

"That the Mysore Transfer of Prisoners Bill, 1954, as passed by the Legislative Council, be taken into consideration."

Sri K. PATTABHIRAMAN (Kolar).—Sir, I am not speaking on the Bill. I want a little clarification. When I went through the Bill, I found that the word 'prison' has been defined and it is said that 'prison' includes any place which has been declared by the State Government, by general or special order, to be a subsidiary jail. I want you to consider its effect. It means, you cannot transfer prisoners from Central Jail here or from Alipuram Jail in Bellary.

Sri A. G. RAMACHANDRA RAO.—From Mysore without Bellary, we cannot transfer prisoners to Bellary.

Sri K. PATTABHIRAMAN.—That is exactly the difficulty for me. I cannot see how you can make it through this Bill. 'Prison' under the Bill refers to subsidiary prison. Therefore the Central Jail does not come under that provision. I want you to consider and tell me: can, you, after this Bill becomes law, transfer to Alipuram Jail or any other Jail in Bellary? prisoners from the Central Jail in Bangalore?

Sri A. G. RAMACHANDRA RAO.—Possibly, Sir, this has been done advisedly. By Rules we are going to make one jail as the Central Jail, possibly the one at Bangalore may still be called as Central Jail and all the other jails become subsidiary jails. I do not think there will be any difficulty.

Sri K. PATTABHIRAMAN.—I want you to appreciate that the definition you have put into this Bill will refer to subsidiary prison. What would be the effect? Can you effect transfer of prisoners from one Central Jail to another jail under this Bill? That is what I want to say. I have nothing to say against the Bill.

Sri A. BHEEMAPPA NAIK (Molakalmuru).—If I have followed the Hon'ble Law Minister correctly, I suppose, according to him, there could be only one Central Jail for the whole State and the rest are all prisons and there can be only one Central Jail. If the present Central Jail at Bangalore is not suited he can call any other jail as Central Jail and the present Central Jail will be only a prison. Is that the object of the Hon'ble Minister, is my question. Suppose there is enough accommodation elsewhere and there is congestion in the Central Jail, prisoners could be easily transferred and space will be released here. Subsidiary jail would then mean district jails and instead of sending prisoners to the Central Jail, prisoners could as well be sent to the other jail at Bellary. Is that the object, I am asking.

Sri K. PATTABHIRAMAN.—I am raising a legal question as it were. Until such time as you make these changes, as envisaged in the Bill, of having one Central Jail for the whole of Mysore State including Bellary, you say you cannot effect transfer of prisoners. As it is now you are having two central jails, one at Bangalore and another at Bellary. What I want to know is, even after this Bill as it is worded is passed, would it help you to transfer prisoners to Bellary if you have the definition as it is found here? The definition says:

(SRI K. PATTABHIRAMAN.)

"2. In this Act, 'prison' includes any place which has been declared by the State Government, by general or special order, to be a subsidiary jail."

Today the Central Jail at Bangalore and the Central Jail at Bellary are not subsidiary jails according to this definition. Therefore the effect that you want to have, namely, of having the facility of transfer from Central Jail here to the Central Jail in Bellary, will not be possible under this definition. That is the point that I want you to consider.

Sri A. G. RAMACHANDRA RAO.— Sir, I think it is quite clear. The definition says:

"In this Act, 'prison' includes any place which has been declared by the State Government, by general or special order, to be a subsidiary jail."

It is for the Government to arrange the various jails and it is a matter of adjustment. I do not think there is any room for difficulty as suggested by the Hon'ble Member.

Sri Mulka GOVINDA REDDY (Chitaldrug).—Sir, I would like to know whether any jails have been earmarked in Bellary for the exclusive use of the Andhra Government. Before the transfer of Bellary District to Mysore State, a number of prisoners who were there in one of the jails in Bellary were natives of Bellary District. I want to know whether all of them have been released or not. If any remain, how many still continue?

Sri A. G. RAMACHANDRA RAO.— I am sorry, I cannot give statistical figures that the Hon'ble Member wants. By arrangement and by understanding with the Andhra Government under the Andhra Act itself, we have come to a decision, *viz.*, that the use of Bellary jails will be given to Andhra in the first instance and they are also sharing in the costs. If the Hon'ble Member wants any statistical information, he may kindly table a question, I will answer.

Sri Mulka GOVINDA REDDY.—Will the Government tell me whether there are still some Andhra prisoners in Bellary jail after the merger of Bellary with the Mysore State?

Sri A. G. RAMACHANDRA RAO.— I want notice.

*Sri M. V. RAMA RAO (Tumkur).— Sir, in the Statement of Objects and Reasons appended to this Bill, it is said:

"Since the jails in Bellary District and the jails in the rest of Mysore are governed by different enactments, it has not been possible to transfer prisoners from or to Bellary District. In order to enable such transfers being made, a separate enactment is considered necessary. Hence the Bill."

Now what I should like the Hon'ble the Minister for Law to explain to this House is, since there is a concrete proposal to extend the application of Mysore Laws to Bellary District, why not keep this Bill in abeyance and allow the extension of that particular enactment which relates to Mysore jails so that jails in Mysore State generally as well as jails in Bellary District in particular, may all be governed by the same Mysore legislative enactment. If that is done, all the other controversies and difficulties may be by-passed and, if I may say so, the Hon'ble the Law Minister's task would be much more easy. If there is any particular difficulty arising at present which makes it necessary or urgent to arm the Executive with powers for making the transfers of these prisoners from Bellary Jail to other jails in Mysore State or from jails in Mysore State to the jails in Bellary District, then the urgency for this special enactment could have been understood. As far as I understand my friend Sri Mulka Govinda Reddy, he sought information about the number of prisoners who are in the Bellary Jail and the number of prisoners who have been released on the occasion of the inauguration of the Andhra State, when a kind of amnesty to various kinds of prisoners was granted, a number of prisoners were let out from a number of jails including the Bellary

Jail, because it held a large number of Andhra prisoners as well. That information would have been quite useful to the members of this House in appreciating the kind of urgency that has made the Law Minister to move this Bill for the consideration at this moment. If there is no such special consideration, I would suggest that this transfer of prisoners can be allowed to be effected by an extension of the Mysore Jails Act to the Bellary District in due course, when the other Mysore Enactments are made applicable to the Bellary District also.

*Sri Mulka GOVINDA REDDY.—Sir, I will make only a few remarks regarding this Bill, after what has been said by Sri M. V. Rama Rao. When Andhra State was formed, Andhra prisoners in jails were given some amnesty and they were released on 1st October 1953. When Bellary was merged with Mysore, there were Andhra prisioners in the jails of Bellary District also. Government of Mysore should have released or declared general amnesty for all the Andhra prisoners that were in the Bellary Jail and these people would have appreciated the generous act of the Government of Mysore. Till now this Government has not thought it fit to consider such a proposition. I would earnestly urge the Government to release all those prisoners that were in Bellary jails before 1st October 1953 and declare a general amnesty for them.

Sri A. G. RAMACHANDRA RAO.—Sir, as could be seen from the List of Business for to-day, there are three Bills before this House seeking to applying them to Bellary. They have to be referred to a Select Committee, which has also been mentioned in the List of Business. This Jail at Bellary with such large provision of accommodation and also heavy staff will have to remain idle till the matter is referred to the Select Committee and brought again before the House as recommended by the Select Committee. In order to overcome this time lag, this measure has been specifically brought forward.

Regarding the point raised by our friend of the Socialist Party, I may state that all the prisoners coming from Andhra for acts done there, have been released. But it cannot be a general release of all prisoners that are there committing offences under some other provisions. Therefore, while appreciating the sentiment expressed by my friend, we cannot take the responsibility of releasing all the offenders.

Mr. SPEAKER.—The question is:

"That the Mysore Transfer of Prisoners Bill, 1954, be taken into consideration"

The motion was adopted.

Mr. SPEAKER.—Clauses 2 and 3. The question is:

"That Clauses 2 and 3 stand part of the Bill"

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is:

"That Clause 1 stand part of the Bill"

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is:

"That the Title and the Preamble stand part of the Bill"

The motion was adopted.

The Title and the Preamble were added to the Bill.

Motion to Pass.

Sri A. G. RAMACHANDRA RAO.—I beg to move:

"That the Mysore Transfer of Prisoners Bill, 1954, as passed by the Legislative Council be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Transfer of Prisoners Bill, 1954, as passed by the Legislative Council be passed."

The motion was adopted.